United States Court of Appeals

for the Second Circuit

PETITIONER’S REPLY BRIEF

75-4021

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P/S

IN THE

United States Court of Appeals

FOR THE SECOND CIRCUIT

NATIONAL ASSOCIATION OF INDEPENDENT TELEVISION PRODUCERS AND DISTRIBUTORS	
WARNER BROTHERS, INC., COLUMBIA PICTURES INDUSTRIES, INC., MGM TELEVISION, UNITED ARTISTS CORPORATION, MCA, INC. and TWENTIETH CENTURY-FOX TELEVISION	Nos: 75-4021 75-4024 75-4025 75-4026
SANDY FRANK PROGRAM SALES, INC.	
WESTINGHOUSE BROADCASTING COMPANY, INC.	
CBS, INC., *Petitioners,*	
v.	
FEDERAL COMMUNICATIONS COMMISSION and THE UNITED STATES OF AMERICA, *Respondents,*	
AMERICAN BROADCASTING COMPANIES, INC. *et al.* *Intervenors.*	

BRIEF OF WESTINGHOUSE BROADCASTING COMPANY, INC. IN RESPONSE TO BRIEF OF WARNER BROS., INC. *ET AL.*

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March 3, 1975

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WESTINGHOUSE BROADCASTING COMPANY, INC.
IN RESPONSE TO BRIEF OF
WARNER BROS., INC. ET AL

ARGUMENT

Despite this Court's opinion in Mt. Mansfield that promulgation of the prime time access rule was within the Commission's statutory powers and did not contravene the First Amendment, Warner Bros. *et al*. urge that the entire rule be invalidated. In effect, they seek repeal of an administrative regulation already sustained by this Court against a similar challenge. As shown below, they largely ignore or misconstrue important segments of the record of proceedings below and this Court's opinion in Mt. Mansfield.

Their request is also belated. The order now under review did not adopt the rule but only amended it. */ Warner Bros. neither sought timely judicial review of the access rule when it was promulgated nor participated in the extensive agency proceedings in Docket No. 12782 leading to the adoption of the rule. Only one of the other joint petitioners, MCA, even participated in the Mt. Mansfield litigation.

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*/ Westinghouse Broadcasting Company, Inc. (hereinafter "Group W") has petitioned for review of that portion of the Commission's Order amending the access rule to exempt, without limitation, network and off-network, children's, public affairs and documentary programs. This is a separate matter which does not involve or question the propriety of the access rule affirmed by this Court in Mt. Mansfield.

Warner Bros. urges that the access rule must be invalidated because it has failed in its original purpose to "increase diversity of programming." (See e.g., Brief, pp. 3, 6, 12.) But, as clearly stated by the Commission when the rule was adopted and as summarized in the order under review, this was not the original purpose of the access rule. Rather, its purpose is to lessen network dominance of television. Greater diversity of programming was an anticipated long-range benefit which was hoped would ultimately result through partial removal of the three-network funnel then controlling the exhibition of virtually all television programming in prime time. Second Report and Order, ¶14, J.A. 92, */ citing Network Television Broadcasting, 23 FCC 2d 382, 395-397 (1970).

Accordingly, the Commission properly found no reason to repeal the access rule on the basis of an alleged lack of program diversity. Second Report and Order, ¶¶18-20, J.A. 95-96. Instead, it agreed with the Department of Justice (J.A. 80), and concluded that any final judgment as to the character or diversity of access programming would be premature because the rule "...has not yet been fully tested." Second Report and Order, ¶¶16, 18, J.A. 93,95.

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*/ References are to the Joint Appendix submitted on behalf of all petitioners in this consolidated proceeding.

And it further found a more basic impediment to the consideration of such a factor:

> "Action on a basis like this has the danger of reflecting the Commission's personal predilections and prejudices. A related question is, assuming such an inquiry is appropriate, what standards should be used, and whether they should be applied, in a sense, retroactively and without any public input into their formulation. For example, assuming that 65.6% of access entertainment time devoted to game shows is undesirable, what about 41.2% of network prime time devoted to crime-drama shows of various types? If we look at the concentration of game show in certain markets such as Cincinnati and Albany, must we not look also at three network crime-drama shows opposite each other on Wednesdays at 10 p.m.? (Second Report and Order, ¶20, J.A. 96).

The second major argument advanced by Warner Bros. is that the access rule has operated to increase rather than decrease network dominance. (See e.g., Brief, p. 3, 47-56.) Again, this is inaccurate. In the order now under review, the Commission carefully considered and rejected this contention finding that network dominance has been reduced by the rule. */ Second Report and Order, ¶23, J.A. 97; see also, ¶¶14-15 (J.A. 92). This finding is well supported by the

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*/ The argument at page 22 of the brief of Warner Bros. provides a good example of the manner in which the findings in the order now under review are ignored. Citing the Commission's 1974 Order, reversed in part by this Court, the brief states that "there has been no increase in sources" of prime time television programming. This is a mischaracterization of the 1974 Order, as the Commission only concluded therein that it "need not at this point get into this question." Prime Time Access Rule, 44 FCC 2d 1081, 1139 (1974). But, more importantly, Warner Bros. does not cite the Commission's 1975 Order which expressly finds that "...there is now an increased number of producers active in prime time." Second Report and Order, ¶17, J.A. 94.

record as illustrated by the expert views of the Department of Justice:

> "The Court of Appeals refers to certain evidence suggesting that overall network power has been strengthened, not weakened by the prime time access rule. (Slip Opinion, pp. 4268-4269). This might be an important competitive conclusion, if correct, and if the rule had been afforded a reasonable period within which to work. We would suggest, however, that empirical evidence is not yet reliable in this matter and that all the relevant factors have not been adequately examined. Competitive policy and the Commission's responsibilities under the public interest test must be directed to long-term effects. The simple fact is that empirical evidence now available does not seem entitled to great weight in the present circumstances, since, the prime time access rule was never given an opportunity to work. Until it is, there is no possibility of determining by empirical evidence what the resulting competitive relationships are. (J.A. 80).

As part of its broadside attack on the access rule, Warner Bros. has stated that Group W abandoned the production of access programs because "...they could not compete against the less expensive game shows..." (Brief, p. 6). This is simply untrue as we indicated in responding to similar charges made during the proceedings before the Commission. Rather than repeat our answer herein, we are attaching Group W's Reply Comments of October 10, 1974, which are not included in the Joint Appendix, so that the Court not be

misinformed on this matter. Our reply to this charge is found at pages 10-13 of the comments. */

Implicit in Warner Bros.' brief is the theory that this Court in Mt. Mansfield sustained the access rule on some type of a provisional basis. (See Brief, p. 12.) Obviously, this is incorrect. The Court expressly found that enactment of the rule was within the Commission's statutory powers and did not contravene the First Amendment. This conclusion is equally as true in 1975 as it was in 1971.

The Court in Mt. Mansfield did note the experimental nature of the rule and cautioned that its holding "...did not preclude a further review of experience with the rule if it proved to be inimical to the public interest." National Association of Independent Television Producers and Distributors v. F.C.C., 502 F. 2d 249, 252 (2d Cir. 1974). This is precisely what the Commission has done. It has carefully reviewed the operation of the rule to date and found that the public interest has benefited.

While disagreeing with this conclusion, Warner Bros. has failed to show that the Commission acted arbitrarily,

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*/ In addition, these Reply Comments answer several of the other arguments concerning repeal of the rule which Warner Bros. made before the Commission and now advances before this Court.

capriciously or abused its discretion in dismissing the premature request for its repeal. The Commission's findings and conclusions in this respect in the order under review are well-reasoned and find adequate support in the record of the proceeding.

Respectfully submitted,

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March 3, 1975

BEFORE THE

Federal Communications Commission

WASHINGTON, D. C. 20554

RECEIVED

OCT 10 1974

F. C. C.
OFFICE OF THE SECRETARY

In the Matter of

Consideration of the operation of, and possible changes in, the "prime time access rule", Section 73.658(k) of the Commission's Rules (Petitions of National Broadcasting Company, Inc., Midland Television Corporation, Kingstip Communications, Inc., and MCA, Inc.)	)	Docket No. 19622 RM - 1967 RM - 1935 RM - 1940 RM - 1929

To: The Commission

REPLY COMMENTS OF GROUP W
WESTINGHOUSE BROADCASTING COMPANY, INC.

Westinghouse Broadcasting Company, Inc. (Group W), submits the following Reply Comments in this proceeding:

The major Hollywood network program suppliers and their associates seek repeal of the rule. */ As discussed hereinafter, their arguments provide no new or legitimate basis for such action by the Commission.

I. The Program Diversity Argument

The opponents of the rule have argued that the "programming record" under the rule so far is cause for its immediate repeal. The major Hollywood network program

*/ The relatively brief reply period does not permit an in-depth examination of the numerous comments which have been submitted in this proceeding. For example, time has made it impossible to verify the accuracy of the program data submitted by the major Hollywood network suppliers in their Joint Appendix. This should not be construed as a concession that the data is accurate.

suppliers contend that the increase in the presentation of "game shows and other cheap access programs" has been counterproductive of the rule's intended purpose to promote more diversified programming. (See Comments of Warner Bros. Inc. et al, pp. 4-12.)

This argument ignores several critical factors which render a judgment on this basis impossible at this time. First, the primary purpose of the rule was to alleviate the problem of network dominance. Greater program diversity was clearly a secondary and long-range goal which, the Commission hoped, would result ultimately from a more competitive marketplace and the reestablishment of actual licensee program responsibility. Second, it was not the Commission's original intention to mandate the production of particular types of programs or discourage other types of programs such as game shows. The types and cost levels of first-run syndicated programming fostered by the rule were left to the competitive marketplace.

Third, game shows which have been programmed for many years by the networks both in prime time and in daytime include some of the most popular and widely accepted programs on television in terms of their audience appeal. Fourth, it is generally conceded that the "programming record" of the rule so far (and particularly the 1974-75 season due to the Commission's prior action in this proceeding) is unrepresentative of the rule's true potential.

The major Hollywood network program suppliers are in no position to contend that a lack of programming diversity exists during access hours. By any objective standard, a similar charge could be raised with respect to the programs they supply for network exhibition. The tendency to parallel and duplicate successful types of programs is equally as great with network program suppliers as with non-network producers.

Our analysis of the Fall 1974 network prime-time program schedules, which is attached as Exhibit A, indicates that police, private detective and other crime and mystery programs now comprise over 40% of the aggregate three network prime time schedule. This does not include feature films which would make this percentage substantially higher. This type of program matter, which often tends to portray crimes and acts of violence, */ has substantially increased in the past few years. In contrast, regularly scheduled musical and comedy variety programming has virtually disappeared with only two programs (The Carol Burnett Show and The Sonny Comedy Review) remaining. Of course, it is undisputed that original drama disappeared years ago.

Sandy Frank has urged that if the Commission is going to judge the access rule on the basis of a program diversity

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*/ In a recent address, the Attorney General has questioned whether a correlation exists between such violence on television and the recent substantial increase in the crime rate. Broadcasting, October 7, 1974, p. 6. It is further reported in that issue of Broadcasting that Mexico has banned several programs produced by the Hollywood majors because of their violent content (p. 18).

test, it must formulate reasonably precise standards in advance, make those standards known, and apply them uniformly over the entire broadcast day. */ We support this wholeheartedly. If the access rule is to be evaluated on the basis of program diversity, so must network prime time also be judged. **/

Notwithstanding the vigorous arguments of the Hollywood majors, the current popularity of "game shows" during early evening prime time hours is simply not a valid reason to repeal the access rule. Indeed, there is no assurance that repeal would result in materially different programming practices in the time periods reclaimed by the networks than now exist. While the major Hollywood studios may hope to sell more of their product to the networks if the rule is repealed, there is no guarantee they will be successful.

In Group W's judgment, game shows would not disappear from prime time if the access rule was repealed. The 7-8 p.m. period traditionally has been an appropriate time for the light entertainment format, and has been programmed with

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*/ Comments of Sandy Frank Program Sales, Inc., pp. 60-61.

**/ Group W has previously stated that it is incorrect to look only at access time periods in evaluating the diversity of programming available to the public. (See Oral Argument, July 31, 1973, Tr. 467-70.) The diversity of programming available to the public in prime time must be viewed in terms of a station's overall prime-time schedule, not just access hours. When viewed from this perspective, it is clear that the diversity of programming has not suffered as a result of the access rule.

game shows by the networks prior to the access rule. The widespread popularity of particular programs now broadcast by stations would, in our opinion, virtually insure their continuation on a network basis.

II. The Alleged Increase In Network Dominance

The opponents of the access rule have urged that the rule has resulted in increased network domination of prime time. (See, e.g., Comments of Warner Bros. Inc. et al., pp. 12-21.) We do not agree. Nor does the Department of Justice, whose expert views the Court of Appeals suggested the Commission solicit:

> "The Court of Appeals refers to certain evidence suggesting that overall network power has been strengthened, not weakened, by the prime time access rule. (Slip. Opinion, pp. 4268-4269). This might be an important competitive conclusion, if correct, and if the rule had been afforded a reasonable period within which to work. We would suggest, however, that empirical evidence is not yet reliable in this matter and that all the relevant factors have not been adequately examined. Competitive policy and the Commission's responsibilities under the public interest test must be directed to long-term effects. The simple fact is that empirical evidence now available does not seem entitled to great weight in the present circumstances, since the prime time access rule was never given an opportunity to work. Until it is, there is no possibility of determining by empirical evidence what the resulting competitive relationships are." Letter of Thomas E. Kauper, Assistant Attorney General, to the Honorable Richard E. Wiley, Chairman, Federal Communications Commission, dated September 20, 1974. (Emphasis added.)

If for some reason, networks are more dominant now than before the rule was adopted, this is cause for further and more vigorous regulatory action by the Commission and the government - not repeal of the one limited measure designed to deal with the problem.

The allegation of increased network dominance is based, in part, on an alleged increase in network leverage over advertisers and program suppliers due to shortened network prime-time program schedules. */ In our opening comments, we pointed out that the program acquisition process and the sale of advertising by networks involve numerous and complex economic factors. Without careful investigation and analysis, it would be impossible simply to attribute the financial success the networks have recently enjoyed to a more dominant position brought about by the access rule.

If the Commission is to give any credence to this allegation, it must do so on the basis of solid and reliable empirical evidence - not speculation. We submit such evidence is totally lacking at this time. Moreover, such evidence, if it exists, is virtually impossible to obtain through the Commission's normal rulemaking procedures which do not provide for subpoena of relevant evidence or the

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*/ Furthermore, it is alleged that network domination has increased due to increased leverage over affiliated stations and the unique ability of networks to influence the nationally syndicated program marketplace through the purchasing practices of network-owned and operated stations in the largest television markets. As we have previously pointed out, there is no evidence to support the first charge. (Group W Further Comments, p. 10.) With respect to the latter point, network-owned and operated stations have generally not followed a practice of acquiring syndicated programming on a joint basis. (See Further Comments of American Broadcasting Companies, Inc., pp. 15-17.) However, even if they had, this would not be cause to repeal the rule. The Commission has ample means available to remedy the problem, should it ever exist, without repealing the rule. A repeal on this basis would be tantamount to repealing all antitrust statutes merely because certain competitors have acted improperly.

opportunity to test such evidence through cross-examination. In the absence of investigative or evidentiary proceedings such as the Commission previously conducted in Docket 12782, the Commission is in no position to base any regulatory action on this unsubstantiated allegation.

III. The "Impact on Hollywood" Issue

We have urged that the economic well-being of Hollywood alone is not a matter of legitimate concern in this proceeding. As Commissioner Robinson has recently stated, "the welfare of the Hollywood film industry" is "a most dubious subject for Commission regulation..." for:

> "The public interest, convenience and necessity is not an all-embracing mandate to remedy the ills of the world, */ nor does it become one simply by virtue of the fact that those ills may in some way be tied to telecommunications. Suppose the telephone company were to start making telephone shells out of paper instead of plastic. Would we have jurisdiction to come to the rescue of the plastics industry?
>
> ---
>
> "*/ If it were, unemployment in Hollywood would have to take its proper place in a very long queue for our attention." Network Rerun Inquiry, Docket 20203, Concurring Statement of Commissioner Glen O. Robinson, October 4, 1974.

Should the Commission insist upon the consideration of this issue despite this, it at least must be done on the basis of an appropriate and complete record. */

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*/ The Commission has indicated that the threshold question of relevance "...could turn on the nature of the facts as to the degree of impact." Memorandum Opinion and Order Concerning Clarification, FCC 74-875, released August 9, 1974. As a matter of law, this is not correct. Nonetheless, should the Commission insist on applying this test, it alone should highlight the need for an adequate factual record.

The information currently available in the record is sketchy, incomplete and, at times, conflicting. As with the allegation of increased network dominance, it provides no basis for a rational decision on this point.

Before any action could be taken on the basis of this alleged problem, it would be necessary for the Commission to analyze thoroughly such complex factors as the present economic situation in Hollywood and the extent these conditions are directly attributable to the access rule or to other unrelated factors. In our opinion, this could only be accomplished through the institution of evidentiary or investigative proceedings such as were previously conducted in Docket 12782. While we do not advocate any further study of this issue because it is not relevant to this proceeding, this is the only alternative available if this allegation is to be a basis for decision.

IV. The Alleged Injury To The Viewing Public

Warner Bros. has urged that the access rule has "also injured the special groups mentioned in the Court's Opinion and in the Commission's present Notice." (Comments of Warner Bros. Inc., *et al.*, p. 26.) The many public groups and organizations which have responded to the Commission's Further Notice do not agree. These organizations are unanimous in their support of the access rule. */

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*/ Because of their direct economic interest in this matter, we exclude such organizations as the Authors League of America, Inc., the Screen Actors Guild, the Hollywood Film Council, and the Writers Guild of America, West, Inc., which have filed comments in support of the Hollywood argument.

While Warner Bros. may believe that the rule has not served "the needs of the nation's minority groups and women" (*Id.*, p. 27), their view is not shared by such prominent organizations as the National Organization for Women, the National Black Media Coalition, the National Urban League, Inc., the National Latino Media Coalition and the Raza Association of Spanish Surnamed Americans. The comments of the organizations speak for themselves, and need not be repeated herein at length. They document the positive effect of the rule in such areas as the opportunity for greater minority group and women involvement in the media, improved employment opportunities in broadcasting for minorities and women and the rule's importance in terms of a local station's program service to its community.

Nor is Warner Bros.' opinion that the access rule has injured "consumer groups - all viewers and particularly children..." (*Id.*, p. 26) shared by such groups as Action for Children's Television, the San Francisco Committee on Children's Television and the Consumer's Union. In their individual comments, they have noted the positive effect the rule has had on television programming for children and the ability of individual stations to respond effectively to the local needs and interests as ascertained by the station.

The Consumer's Union has aptly noted in this respect that:

> "total network control of primetime programming is not in the public interest, since individual citizens and local consumer and community groups have little power to influence network policies. The Commission's new licensing procedures have stressed the licensee's obligation to engage in on-going dialogue with representative community groups and leaders in order to continuously ascertain the problems and needs of their service areas. The one hour prime-time access period gives broadcasters an opportunity to respond to these problems and needs through programs that reach the largest possible audience."

The views of such public groups - which have now been obtained by the Commission at the Court of Appeals' suggestion - highlight the critical need for the access rule as a measure to foster local station responsibility and programming responsive to community needs and interests. Surely, their views must be given precedence over the unsubstantiated claims of those who would seek to repeal the rule for their own economic benefit.

V. Group W's Interest in These Proceedings

With respect to the production of nationally syndicated programs, Warner Bros. has charged that "if Westinghouse, with all of its resources and special advantages (5 stations and extensive production facilities) could not succeed, who can?" (Comments of Warner Bros. Inc. et al, p. 36-37.) Substantially the same argument was also advanced by it before the Court of Appeals.

We wish to set the record straight on this point once and for all. Group W enjoys no "special advantages" insofar as its limited program production activities are concerned.

Apart from the normal studio facilities of its television stations, Group W has no separate production facilities. */ Unlike the Hollywood majors and the networks, no Group W film studios or "Television City" exist.

In suggesting the adoption of the access rule, Group W disclaimed any intention to become a major program producer or supplier. We specifically informed the Commission that we were not "...trying to further our syndication business and we doubt if we will increase that business substantially, even if the rule were adopted." (Oral Argument, Docket 12782, July 23, 1969, Tr. 10067.) In that proceeding as well as in the earlier "option time" proceeding, Group W suggested a modest limitation on networking as a means to foster a meaningful degree of program responsibility at the local station level. We have actively participated in this proceeding as a licensee of the Commission - not as a program producer or syndicator.

Group W's program production activities for the 1971-72 broadcast season were largely the result of the particular circumstances of that season and the program needs of its stations. The Commission's decision to postpone the effective date of the off-network and feature film restrictions

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*/ Thus, for example, Group W's nationally syndicated "The Mike Douglas Show" is produced at the studios of station KYW-TV in Philadelphia.

for one year to "...permit for a longer period unrestricted use of films and features already brought by stations," (Network Television Broadcasting, 25 FCC 2d 318, 335(1970)), had had an adverse impact on the availability of new program material. Having made a policy decision not to use network reruns or feature films in the new "station time periods" made available by the rule, Group W was compelled to rely on its own efforts as the source of new programming for its stations. */

While placed in syndication, several did not receive wide viewer or station acceptance and were not successful from a financial point of view. The cost of these production activities (approximately $5 million) was largely unrecovered during that year. In our opinion, this resulted from several factors unrelated to program quality or artistic value including an inadequate time to prepare for the 1971-72 season and the difficulties in competing with established and successful network reruns. (See Oral Argument, July 31, 1973, Tr. 477-482.)

Group W had no alternative but to cease production in light of the unfavorable attitude of the Commission toward the rule.

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*/ As summarized in our Comments of January 15, 1973, Group W produced five one-half hour program series for exhibition on its stations and sale to other stations during the 1971-72 season. In the 1972-73 season, Group W continued the production of one series (David Frost Review-II) and participated in the co-production of another series, Half the George Kirby Comedy Hour. In addition, it distributed one program series (Doctor in the House) produced abroad during both seasons.

The unfavorable climate created by the Commission's ambivalent attitude toward the rule, including the institution of this proceeding in October of 1972 suggesting its repeal, made further production activities unrealistic and imprudent.

It is ridiculous to suggest, however, that basic economic considerations render non-network program production for prime time impossible. With reasonable assurance that the rule will not be abruptly repealed and a firm Commission regulatory policy, Group W for one is prepared to produce and syndicate prime time programming nationally. */ Although Group W again does not anticipate a substantial increase in its production and syndication activities, it firmly believes that such activities can be successfully accomplished.

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*/ The Commission was so informed during oral argument in the proceeding (Tr. 487):

> "COMMISSIONER HOOKS: Are you suggesting that if the Commission should adopt or reaffirm the rule, and do it as some have suggested for three years or five years--
>
> "MR. MCGANNON: Three years are not enough. You are starting from scratch again, for all practical purposes.
>
> "COMMISSIONER HOOKS: Let's stay with five years. Would your particular company be recommitted to the idea of producing something for that time?
>
> "MR. MCGANNON: Yes, sir."

On the other hand, Group W would be willing to forego these plans if the Commission considers such activities inappropriate for the organization which originally suggested the rule. The syndication of prime-time programming is not an essential business for Group W. Our interest in this proceeding has always been from the perspective of a station licensee.

CONCLUSION

The Department of Justice has recommended that the "...Commission restore the original prime time access rule as initially formulated and...accompany this action with an announcement that it intends to let the rule remain in effect for a suitable period, perhaps five years." (Letter from Thomas E. Kauper, Assistant Attorney General, supra.) Numerous public organizations - representing diverse sectors of our national life - have urged for good reason that the rule be retained. With few exceptions, virtually all broadcasters, whose views should concern the Commission, have recognized the positive benefits that the rule has brought to the industry.

Under these circumstances, we submit the Commission would seriously err were it to honor the unsubstantiated and untested allegations of those beyond its regulatory pale who have chosen to boycott the rule and seek its repeal.

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October 10, 1974

Exhibit A

ANALYSIS OF THREE NETWORK PRIME TIME SCHEDULES BY PROGRAM TYPE - FALL 1974

Program Type	Number of Half Hour Units	%
Police, Private Detective, Crime & Mystery	40	41.2%
Series - Drama	22	22.7%
Situation Comedy	15	15.5%
Westerns	6	6.2%
Music & Comedy Variety	4	4.1%
Sports	4	4.1%
Science Fiction	2	2.1%
Format Varies	2	2.1%
Adventure	2	2.1%
	97	100.1%
Feature Films	29	
Total	126	

PROGRAM TITLES

Police, Private Detective, Crime & Mystery	Time
Adam-12	30
Police Story	60
Ironside	60
Police Woman	60
The Rookies	60
Get Christie Love	60
The Streets of San Francisco	60
Kodiak	30
Nakia	60
Hawaii Five-O	60
Kojak	60
Rockford Files	60
Harry O	60
Barnaby Jones	60
Cannon	60
Manhunter	60
Mannix	60
NBC Sunday Mystery Movie	120
The Six Million Dollar Man	60
Kolchak - The Night Stalker	60

Series - Drama	
Lucas Tanner	60
Petrocelli	60
Movin' On	60
Sierra	60
Emergency	60
Marcus Welby, M.D.	60
The New Land	60
Medical Center	60
Sons & Daughters	60
The Waltons	60
Apple's Way	60

Situation Comedy	
Chico and the Man	30
Sanford and Son	30
Happy Days	30
That's My Mama	30
The Odd Couple	30
Paper Moon	30
The Texas Wheelers	30
Maude	30
Rhoda	30
Good Times	30
M*A*S*H	30
All in the Family	30
Paul Sand	30
Mary Tyler Moore	30
Bob Newhart Show	30

Westerns	Time
Little House on Prairie	60
Kung Fu	60
Gunsmoke	60

Music & Comedy Variety	
The Sonny Comedy Hour	60
Carol Burnett Show	60

Sports	
ABC NFL Football	120

Science Fiction	
Planet of Apes	60

Format Varies	
Wonderful World of Disney	60

Adventure	
Born Free	60

75-4021

IN THE

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CERTIFICATE OF SERVICE

I do hereby certify that 2 copies of the "Brief of Westinghouse Broadcasting Company, Inc. in Response to Brief of Warner Bros., Inc. et al." have been served by United States mail, first class, postage prepaid this 3rd day of March 1975 upon the following:

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